

rev. 02/2006

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
Norfolk/Newport News Division

SENTENCING MINUTES

Set: 2:30 p.m.
 Started: 2:30 p.m.
 Ended: 3:40 p.m.

Date: September 4, 2012
 Judge: Mark S. Davis
 Court Reporter: Paul McManus
 U.S. Attorney: Eric Hest
 Defense Counsel: Kevin Deamonte
 Courtroom Deputy: Valerie A. Ward
 Probation Officer: Janice Hyatt
 Interpreter: _____

Case No. 4:11cr89-13
 Defendant: Kenneth Jones (☒) in custody () on bond

☒ Came on for disposition. ☒ Deft. sworn.
 _____ Govt/Deft's _____ motion for downward departure.
 _____ motion for one-level reduction in offense level.
 _____ Granted. _____ Denied.
☒ The Court adopts the factual statements contained in the Presentence Report
☒ Presentence Report reviewed. _____ Objections heard and rulings made.
 _____ Evidence presented. (Witnesses and exhibits listed on last page)
☒ Arguments of counsel heard. ☒ Statement of deft. heard.

IMPRISONMENT:

SENTENCE: Count 1: The deft. shall be committed to the custody of the BOP to be imprisoned for a total term of 255 months. The term consists of _____ months on count _____, a term of _____ months on count _____, a term of _____ months on count _____, and a term of _____ months on count _____, to be served concurrently/consecutively.

☒ The deft. is remanded to the custody of the U.S. Marshal.

_____ The deft. shall surrender for service of the sentence at the institution designated by the BOP/U.S. Marshal before _____ on _____, as notified by the U.S. Marshal.

_____ If deft. is unable to arrange transportation to the designated institution, the United States Marshal will arrange transportation for the defendant.

_____ If the defendant is not notified by the United States Marshal of the institution designated, the defendant shall report to the United States Marshal at 600 Granby Street, Norfolk, VA, by _____ on _____, to begin service of the sentence.

PROBATION:

_____ The deft. shall be placed on probation for a term of _____ years.

✓ The deft. shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

✓ The deft. shall provide the probation officer access to any requested financial information.

_____ The deft. shall file amended individual income tax returns for tax years 2003, 2004 and 2005.

_____ The deft. shall participate in a program approved by the U.S. Probation Office for financial counseling. The cost of this program is to be paid by the defendant as directed by the probation officer.

_____ The defendant shall obtain a GED or a vocation skill during his period of supervision if not employed full-time.

_____ The deft. shall be on Home Detention, which shall include electronic monitoring at the deft's expense, for a period of _____ consecutive months/days. During this time, he/she shall remain at his/her place of residence except for employment and other activities approved in advance by the probation officer.

_____ Deft shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, "call forwarding," "caller ID," "call waiting", portable cordless telephones or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. Deft shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of electronic monitoring, all as directed by the probation officer.

_____ The defendant shall participate in a program approved by the United States Probation Office for mental health treatment, to include a psychological evaluation, and sex offender treatment. The costs of these programs are to be paid by the defendant as directed by the probation officer. The defendant shall waive all rights of confidentiality regarding sex offender/mental health treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

_____ Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, the defendant shall register with the state sex offender registration agency in any state where the defendant resides, works, and attends school, according to federal and state law and as directed by the probation officer.

_____ The defendant shall submit to polygraph testing as directed by the United States Probation Officer as part of his sex offender therapeutic program. The costs of the testing are to be paid by the defendant as directed by the probation officer.

_____ Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, the defendant shall submit to a search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of supervision.

_____ The defendant shall not possess or use a computer to access any online computer services at any location, including employment, without the prior approval of the probation officer. This includes any internet service providers, bulletin board systems, or any other public or private computer network.

_____ The defendant shall have no contact with minors unless supervised by a competent, informed adult, approved in advance by the probation officer.

_____ If recommended by the sex offender treatment provider, the defendant shall submit to penile plethysmograph testing, or a comparable test, as directed by the United States Probation Office as part of his sexual offender therapeutic treatment. The costs of the testing are to be paid by the defendant, as directed by the probation officer.

_____ The defendant shall not utilize any sex-related adult telephone services, websites, or electronic bulletin boards. The defendant shall submit any records requested by the probation officer to verify compliance with this condition including, but not limited to, credit card bills, telephone bills, and cable/satellite television bills.

FINANCIAL PENALTIES

☒ Court finds deft. is unable to pay fine, cost of prosecution, cost of imprisonment or supervised release.

SPECIAL ASSESSMENT:

☒ As to count 1, the deft. shall pay a special assessment in the amount of \$100.

___ As to count ___, the deft. shall pay a special assessment in the amount of ___.

___ As to count ___, the deft. shall pay a special assessment in the amount of ___.

___ As to count ___, the deft. shall pay a special assessment in the amount of ___.

The total special assessment due is \$100 and shall be due in full immediately.

FINE:

___ The deft. shall pay a fine in the amount of \$_____.

RESTITUTION:

___ The deft. shall make restitution in the amount of \$_____.

___ Restitution Judgment Order, entered and filed in open court.

SCHEDULE OF PAYMENTS:

___ Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

☒ The special assessment/fine/restitution is due and payable immediately. Any balance remaining unpaid on the special assessment/fine/restitution at the inception of supervision, shall be paid by the deft. in installments of not less than \$ 50 per month, until paid in full. Said payments shall commence 60 days after deft's supervision begins.

___ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/fine/restitution ordered and shall notify the court of any change that may need to be made to the payment schedule.

___ Each restitution payment shall be divided proportionately among the payees named.

___ Restitution shall be made jointly and severally with _____

___ Nothing in the Court's order shall prohibit the collection of any judgment by the United States.

___ Any special assessment, restitution, or fine payments may be subject to penalties for default and delinquency.

____ Since this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

☒ The deft. shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

____ The deft. notified of right of appeal.

☒ Court noted that deft. waived right of appeal in plea agreement.

☒ On motion of gov't, remaining counts dismissed.

____ The deft. is continued on present bond and cautioned re bail jumping.

☒ Court recommends incarceration at

☒ a facility as close to the Tidewater Virginia area as possible.

____ a facility with a drug treatment program when and if defendant qualifies.

____ Consent Order of Forfeiture, executed and filed in open court.

Additional Counts/Comments:
